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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Marlene Lyliann LORENZANA (D1)** and **Christopher Andrew LORENZANA (D2)** Defendants.	Magistrate Case No. '08 MJ 0607 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 28, 2008**, within the Southern District of California, defendants **Marlene Lyliann LORENZANA (D1)** and **Christopher Andrew LORENZANA (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Esperanza SANCHEZ-Barriga**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **FEBRUARY 2008.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Esperanza SANCHEZ-Barriga** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 28, 2008, at approximately 0440 hours, **Marlene Lyliann LORENZANA (D1)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance. D1 was the driver of a 1992 Plymouth Voyager van and was accompanied by her brother, **Christopher Andrew LORENZANA (D2)**. A United States Customs and Border Protection (CBP) Canine Enforcement officer was performing pre-primary roving operations when his Human/Narcotics Detector Dog (H/NDD) alerted to the Plymouth Voyager. A CBP officer assisting the Canine Enforcement officer approached the vehicle and initiated an inspection. D1 presented her California driver license and told the officer the vehicle belonged to D2. D1 also stated she had traveled to Mexico to visit her mother and claimed she was not bringing anything from Mexico. The CBP Canine officer discovered a person concealed under the two front seats and center console. The vehicle and it's occupants were subsequently escorted to secondary for further inspection.

In secondary, a female was discovered concealed lying horizontally under the two front seats and center console of the vehicle. The two seats were non-factory constructed of metal bars which were covered with the factory upholstery. The center console was cut out in a shape big enough for the person to fit through. CBP officers folded back the metal posts on the two seats, removed the center console, and extracted one female. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Esperanza SANCHEZ-Barriga (MW).**

During a videotaped proceeding, D1 was advised of her Miranda rights. D1 acknowledged her rights and elected to answer questions without an attorney present. D1 denied knowledge of the person concealed under the seat she was sitting on. D1 stated she was entering the United States to pick up her child's entry documents that she had forgotten in San Ysidro, California.

A videotaped interview was conducted with MW who stated she is a citizen of Mexico without documents to lawfully enter the United States. MW stated she made arrangements with an unknown female smuggler at the Tijuana, Mexico airport and was to pay an unknown smuggling fee after she started working in the United States. MW stated after being placed in the non-factory space, a female entered the vehicle and told her that they were now going to sit on the seats and after doing so, the female asked her if she was alright. MW stated she responded to the female that she was alright. MW stated the female drove the vehicle and did not make any further stops or leave the vehicle until they were apprehended at the San Ysidro, Port of Entry. MW stated she intended to travel to Ventura, California to seek employment.